



**CITY OF FORT WORTH  
CHAPTER 252 EXEMPTION FORM**

Instructions: Fill out the entire form with detailed information. Once you have completed this form, provide it to the Purchasing attorneys for review. The attorneys will review the information you have provided to determine whether an exemption to Chapter 252's bidding requirements is defensible. Failure to provide sufficient information may result in follow up questions and cause a delay in the attorney's determination.

**Section 1: General Information**

Requesting Department: Neighborhood Services]

Name of Contract Manager: Josie Hogue

Departmental Attorney: Sophie Mathews

Item or Service sought: Neighborly Software Program

Goods:

Service:

Anticipated Amount: \$200,380.00

Vendor: Benevate LLC

Current/Prior Agreement for item/service: Yes  No

CSC or Purchase Order #: 53499

Amount: Previous contract amount \$985,000.00 over 6 years

Projected M&C Date: 12/10/2026

How will this item or service be used? This is a comprehensive software solution, Neighborly Software, for enrollment, administration and reporting of its housing and community development programs, offered by Neighborly Software. This included a fully streamlined process for members of the public applying for rental assistance and housing programs, subrecipient agencies applying for competitive grants, and developers/contractors bidding for housing development projects. This also allows for the submission, approval and disbursement of all invoices from contractors involved in these programs. It also allows for the submission of all grant application documents for all Public Service Agencies as well as the award process of those grant funds. Programs included are the Weatherization Assistance Program, Priority

Repair Program, LEAD Safe Program, Community Action Partners (rental & utility assistance) Program, Veteran's Program, HOPWS Program, all Public Service Agencies and more.

Has your department started a requisition or otherwise contacted the Purchasing Division related to obtaining this good/service?      Yes                          No   

If yes, please provide requisition number or brief explanation of contact with Purchasing Division:

**Section 2: Claimed Exemption and Justification (Other than sole source)**

**NOTE: For sole-source exemption requests, complete Section 3.**

Please indicate the non-sole-source exemption you believe applies to the purchase and provide information to support its applicability. Please refer to the Exemption Primer for detailed information about common exemptions:

- A procurement necessary to preserve or protect the public health or safety of the City of Fort Worth's residents;
- A procurement necessary because of unforeseen damage to public machinery, equipment, or other property;
- A procurement for personal, professional, or planning services;
- A procurement for work that is performed and paid for by the day as the work progresses;
- A purchase of land or a right-of-way;
- Paving drainage, street widening, and other public improvements, or related matters, if at least one-third of the cost is to be paid by or through special assessments levied on property that will benefit from the improvements;
- A public improvement project, already in progress, authorized by the voters of the municipality, for which there is a deficiency of funds for completing the project in accordance with the plans and purposes authorized by the voters;
- A payment under a contract by which a developer participates in the construction of a public improvement as provided by Subchapter C, Chapter 212;
- Personal property sold:
  - at an auction by a state licensed auctioneer;

- at a going out of business sale held in compliance with Subchapter F, Chapter 17, Business & Commerce Code;
- by a political subdivision of this state, a state agency of this state, or an entity of the federal government; or
- under an interlocal contract for cooperative purchasing administered by a regional planning commission established under Chapter 391;

Services performed by blind or severely disabled persons;

Goods purchased by a municipality for subsequent retail sale by the municipality;

Electricity; or

Advertising, other than legal notices.

Please provide details and facts to explain why you believe the exemption applies to the purchase. You may also attach documentation to this form. The exemption applies to this situation due to the fact that all of the programs listed here that use this software provide home repair assistance, rental assistance, utility assistance, health and safety assistance, lead protection assistance and more to low and very low income families. Some of these programs assist with roofing, plumbing, electrical and other repairs that are imperative for families to live in safe homes. The exemption was previously granted (M&C 25-0312 from April 2025). If NSD is unable to complete this purchase, many of the programs would be jeopardized in the process and damage the public health by exposing the City's citizens to unnecessary risks associated with homelessness and unperformed repairs through housing rehabilitation. Changing to a new or different software also poses a risk of data and application loss. The City and the public cannot afford to take that risk or any further delay in processing applications for these programs. It is critical, in the interest of public health, that this software currently in use by the City for these programs is maintained.

### **Section 3: Claimed Sole-Source Exemption and Justification**

**NOTE: For all non-sole-source exemption requests, complete Section 2.**

Please indicate the sole-source exemption you believe applies to the purchase and provide information to support its applicability. Please refer to the Exemption Primer for detailed information about common exemptions

- \*A procurement of items that are available from only one source, including:
- items that are available from only one source because of patents, copyrights, secret processes, or natural monopolies;
  - films, manuscripts, or books;
  - gas, water, and other utility services;
  - captive replacement parts or components for equipment;

- books, papers, and other library materials for a public library that are available only from the persons holding exclusive distribution rights to the materials; and
- management services provided by a nonprofit organization to a municipal museum, park, zoo, or other facility to which the organization has provided significant financial or other benefits;

How did you determine that the item or service is only available from one source?

Click or tap here to enter text.

Attach screenshots and provide an explanation of any independent research you conducted, through internet searches, searching cooperatives, or discussions with others knowledgeable on the subject matter that corroborate that the item is available only from a single source.

Click or tap here to enter text.

Did you attach a sole source justification letter?  Yes  No

Describe the uniqueness of the item or service (e.g. compatibility or patent issues, etc.). Click or tap here to enter text.

#### **Section 4: Attorney Determination**

With the facts provided by the department, is the use of the claimed exemption defensible if the City were to be challenged on this purchase?  Yes  No.

Was there anything attached to this form that was relied on in making this determination?  Yes  No.

If yes, please explain: Click or tap here to enter text.

Was there anything not included on this form or attached hereto that was relied on in making this determination?  Yes  No.

If yes, please explain:

**Approved By:**

*Jessika Williams*

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Andrea Phillips / Jessika Williams  
Assistant City Attorney

Date: 1/16/26

## EXEMPTION FORM PRIMER

Below are explanations and examples of common exemptions that could apply to City purchases. If you have questions about the information provided or need additional information, please contact your department's assigned attorney or the appropriate purchasing attorney.

- **PUBLIC HEALTH & SAFETY** - A procurement necessary to preserve or protect the public health or safety of the municipality's residents;

Examples of activities that have been found to fall within this exception include ambulance services; solid waste collection and disposal; and first-responder safety equipment such as breathing apparatus for firefighters and bullet-proof vests for police officers.

- **UNFORESEEN DAMAGES** - A procurement necessary because of unforeseen damage to public machinery, equipment, or other property;

Examples of this type of procurement would include repairing or replacing roofs and windows damaged by hail or a tornado. But parts and services for routine maintenance or replacement of old, worn out roofs or windows would not meet this exception.

- **PERSONAL, PROFESSIONAL, OR PLANNING SERVICES**

Personal services are ones that are unique to the individual providing them. Therefore, personal services contract cannot generally be subcontracted or assigned.

Professional services are not defined under Chapter 252, so there is no precise definition to follow. There is no universal definition of this term, however, "several cases suggest that it... is 'predominately mental or intellectual, rather than physical or manual.'" Tex. Atty Gen Op. JM-940 (1988) (*quoting Maryland Casualty Co. v. Cray Water Co.*, 160 S.W. 2d 102 (Tex. Civ. App.—Eastland 1942, no writ). The Texas Attorney General has also opined that "professional services" no longer includes only the services of lawyers, physicians, or theologians, but also those members of disciplines requiring special knowledge or attainment and a high order of learning, skill, and intelligence. *Id.*

Facts needed to support a professional service exemption include the specialized requirements of that profession and the mental and intellectual skill required by the person while performing the service. Purchases of goods are not professional services.

- **SOLE SOURCE** – A procurement for items available only from one source

This exemption is commonly referred to as the sole source exemption. In determining whether a purchase is of a good or service that is available from one source, you should not consider price or time to receive the good or service. A sole source does not exist solely on the basis of personal or departmental preference or a desire to keep all units the same brand or make. The information needed to support this exemption is that no other provider can provide the service or category of good except for the vendor you are proposing. Some

examples of sole source purchases include service agreements when only one vendor is authorized to work on the equipment by the manufacturer and allowing another vendor would void the warranty; purchase of a good that is copyrighted or trademarked and only provided by one vendor.